

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAUL HABTAI,

Defendant.

Case No. CR05-0316-JLR-JPD

DETENTION ORDER

Offenses charged:

Count 1: Conspiracy to Distribute Cocaine Base and Cocaine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 841(b)(1)(c), and 21 U.S.C. § 846.

Count 2: Possession with Intent to Distribute Cocaine Base in violation of 21 U.S.C. §§ 841(b)(1)(B) and 18 U.S.C. § 2.

Count 3: Possession with Intent to Distribute Cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), and 18 U.S.C. § 2.

Date of Detention Hearing: November 1, 2005.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth,

finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of the pending charges.

Defendant has failed to overcome this presumption because he has:

- (1) failed to appear on several occasions;
- (2) serious substance-abuse issues;
- (3) a substantial criminal-history background;
- (4) an unstable living environment; and
- (5) multiple arrests for the same violations, showing an unwillingness to follow directions.


As a result, no conditions or combination of conditions are apparent that will reasonably assure the safety of the community or the defendant's appearance at future Court hearings.

IT IS THEREFORE ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The Clerk shall direct copies of this Order to counsel for the United States, to

counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 1st day of November, 2005.


JAMES P. DONOHUE
United States Magistrate Judge